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In re Application of MAINETTI
Application No.: 10/501,283
PCT Application No.: PCT/GB03/00148
Int. Filing Date: 15 January 2003
Priority Date Claimed: 15 January 2002
Attorney Docket No.: UDL1p011
For: APPARATUS AND METHOD FOR
REMOVING ADHESIVE LABELS FROM
GARMENT HANGERS

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: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)
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Applicants' "Petition For Revival Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office (PTO) on 07 June 2005 is GRANTED.

BACKGROUND

On 15 January 2003, applicants filed international application PCT/GB03/00148. The international application claims a priority date of 15 January 2002 and designates the United States. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 24 July 2003. The deadline to pay the basic national fee was thirty months from the priority date, that is 15 July 2004. The application became abandoned at midnight 15 July 2004 for failure to pay the basic national fee.

On 09 July 2004, applicants filed a transmittal letter for entry into the US national stage under 35 U.S.C. 371, which was accompanied by, *inter alia*, a copy of the International Application.

On 07 June 2005, applicants filed the instant petition for revival accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and the petition fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (3) the petition fee required by law, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). A payment of the basic national fee constitutes a proper reply for entry into the national stage.

Applicants' statement in the petition that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). The submission of the national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is GRANTED as to the National Stage in the United States of America.

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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